

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALTAGRACIA PEGUERO,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY,
INC.,

Defendant,

AMERICAN EXPRESS COMPANY,
INC.,

Third-Party Plaintiff,

v.

HEALTHEXTRAS, LLC,

Third-Party Defendant.

Civil Action No. 05-10995-RCL

NOTICE OF DISMISSAL

PLEASE TAKE NOTICE THAT, whereas no answer or motion for summary judgment have been served by Third-Party Defendant HealthExtras, LLC (“HealthExtras”), Third-Party Plaintiff American Express Company, through its undersigned counsel, hereby dismisses, without prejudice, its third-party claim against HealthExtras pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, with each Party to bear its own attorneys’ fees and costs.

Dated: July 27, 2006

GREENBERG TRAURIG, LLP

By:/s/ John F. Farraher, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non registered participants on July 27, 2006.

/s/
John F. Farraher, Jr.